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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,432	11/08/1999	CARL P. DANIEL	ICOM-00600	6642

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Kendyl Roman
730 Bantry Court
Sunnyvale, CA 94087-3402

EXAMINER	
BUI, KIEU OANH T	

ART UNIT	PAPER NUMBER
2611	8

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/436,432	HAVERSTOCK & OWENS LLP	
	Examiner	Art Unit	
	KIEU-OANH T BUI	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-35 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-35 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> *A person shall be entitled to a patent unless --*
> *(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claims 1-3, 6-14, 16-17, and 19-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Ottensen et al. (U.S. Patent No. 5,721,815/ or "Ottensen" hereinafter).

Regarding claim 1, Ottensen discloses a method of transmitting a video stream of images from a source device to a receiving device (Fig. 2, item 30 as server for a source, and item 62 as set top unit for a receiving device for receiving video stream from the server, as described in col. 5/line 60 to col. 6/line 44) comprising the steps of:

a. transmitting the video stream of images in a first format to the receiving device, i.e., a typical stream format such as MPEG1 containing video stream of images transmitted to the receiving device (col. 7/lines 9-25);

b. receiving a request for an enhanced version of a marked portion of the video stream of images from the receiving device, i.e, the user can request a portion or segment of the video stream of images from the receiving device for an enhanced version of that portion such as MPEG-2 or high-definition HDTV for better video quality formats (col. 7/lines 25-51 & col. 41/line 5 to col. 42/line 33 for more details on how the user can customize the receiving program segment based on formatting methodology addressed); and

c. transmitting the marked portion of the video stream of images in a second format, wherein the second format represents an enhanced version of the first format, i.e., the enhanced format is transmitted to the user on the presentation control window (col. 3/lines 20-47, and col. 42/lines 15-48 for program segments received on-demand viewing of a selected multimedia program).

As for claim 2, in further view of claim 1, Ottensen discloses "comprising the step of storing the original video stream of images at the receiving device" (Fig. 11/item 62 for a set top device as the receiving device for storing video stream of images, col. 21/line 60 to col. 22/line 46).

As for claim 3, in further view of claim 2, Ottensen further discloses "comprising the step of storing the marked portion of the video stream of images to replace a corresponding portion of the original video stream of images", i.e., based on the formatting parameters, the corresponding portion of the video stream of images (i.e., MPEG 2) is stored to replace the original stream, as if typical version is MPEG1 as noted earlier, see col. 41/lines 5-67).

As for claim 6, in further view of claim 1, Ottensen discloses "comprising the step of displaying the video stream of images at the receiving device" (Fig. 11/item 76 for a TV monitor for displaying the receiving and requested video stream of images as earlier noted).

As for claim 7, in further view of claim 6, Ottensen further discloses "comprising the step of marking the marked portion of the video stream of images at the receiving device", i.e., section or program segments are identified or marked with unique addresses (as illustrated in Figs. 5-10, and col. 9/lines 30-60 for a unique address for each program segment).

As for claim 8, in further view of claim 6, Ottensen further discloses "wherein the step of displaying includes a fast-forward and rewind function", i.e., the user can control the presentation as VCR-like function such as fast-forward or rewind (col. 7/lines 10-25 & col. 15/line 64 to col. 16/line 39).

As for claim 9, in further view of claim 6, Ottensen further suggests "wherein the step of transmitting the video stream of images and the step of displaying are performed simultaneously such that a received portion of the video stream of images is displayed while a remaining portion of the video stream of images is transmitted" because real-time video transmission is also addressed, meaning the receiving portion keeps being transmitted to the input buffer 66 while the output buffer outputs to the decoder 74 for displaying at the display 76 (col. 20/lines 1-50).

As for claim 10, in further view of claim 1, Ottensen further discloses "comprising the step of adding annotations to the video stream of images", i.e., annotations as symbols can be added to the video stream of images or program segments (as illustrated in Figs. 18A & 18B).

As for claim 11, in further view of claim 1, Ottensen further comprising the step of "determining if a user views a particular image within the video stream of images for a predetermined period of time and automatically transmitting the particular image in the second format", i.e., a predetermined period of time for typical viewing is defined (col. 20/lines 16-50), based on predefined formatting parameters, particular image of second format is automatically transmitted to the user (col. 7/lines 25-51 & col. 42/lines 15-33).

As for claim 12, in further view of claim 1, Ottensen further discloses "wherein if the request for an enhanced version is received while the step of transmitting the video stream of images is being performed, then the step of transmitting the video stream of images is paused

while the step of transmitting the marked portion is performed, and resumed once the step of transmitting the marked portion is completed", i.e., pausing a current presentation of a program can be done and request the transmission of enhanced video stream of images can also be done by requesting different programs based on enhanced formatting parameters and then resuming to the previous program (col. 21/lines 10 to col. 22/line 27 as transmission rate can be regulated; and col. 39/line 30 to col. 40/line 52 for controlling of presentation display at the user device).

Regarding claim 13, Ottensen discloses a transmitting device for transmitting a video stream of images to a receiving device (as illustrated in Fig. 3) comprising:

a. a storage device configured for receiving and storing a stream of images (Fig. 3/item 40); and

b. a controller coupled to the storage device and configured for coupling to the receiving device for controlling transmission of the stream of images from the storage device to the receiving device (Fig. 3/item 34 for a controller and a receiving device 62), wherein the stream of images are transmitted to the receiving device in a first format and then a requested portion of the stream of images are transmitted to the receiving device in a second format, and further wherein the second format represents an enhanced version of the first format, i.e., a typical stream format such as MPEG1 containing video stream of images transmitted to the receiving device (col. 7/lines 9-25), and the enhanced format is transmitted to the user on the presentation control window (col. 3/lines 20-47, and col. 42/lines 15-48 for program segments received on-demand viewing of a selected multimedia program).

As for claim 14, in view of claim 13, Ottensen further discloses "comprising a source device coupled to the storage device for generating the stream of images and transmitting the stream of images to the storage device" (Fig. 3, as a source device provides analog signal to the storage device 40 as illustrated).

As for claim 16, in view of claim 14, Ottensen discloses "further comprising a network interface circuit coupled to the storage device and to the controller for communicating with the receiving device over a network", i.e., communication channel 44 and distribution switch 42 for the controller 34 communicates to the receiving device 62 (Fig. 3).

As for claim 17, in view of 16, Ottensen discloses "wherein the receiving device includes a display for displaying the stream of images and an input device for marking the requested portion of the stream of images" (Fig. 3/item 24 for a TV display, and Fig. 11/item 25 for a remote input device, and col. 21/lines 34-60).

As for claim 19, in view of claim 17, Ottensen suggests "wherein received frames within the stream of images are displayed at the receiving device while a remaining portion of the stream of images is transmitted" because real-time video transmission is addressed, meaning the receiving portion keeps being transmitted to the input buffer 66 while the output buffer outputs to the decoder 74 for displaying at the display 76 (col. 20/lines 1-50).

As for claim 20, in view of claim 17, Ottensen further discloses "wherein the receiving device further includes a received storage device for storing the stream of images" (Fig. 11/item 66 for input buffer for storing the stream of images).

As for claim 21, in view of claim 20, Ottensen discloses "wherein the requested portion of the stream of images is stored in the second format and a remaining portion of the stream of images is stored in the first format at the received storage device" (Fig. 11/item 62 for a set top device as the receiving device for storing video stream of images, col. 21/line 60 to col. 22/line 46; and the enhanced format is transmitted to the user on the presentation control window (col. 3/lines 20-47, and col. 42/lines 15-48 for program segments received on-demand viewing of a selected multimedia program).

Regarding claims 22, 24-28 and 29-33, these claims for "a system for transmitting a video stream of images from a source device to a receiving device comprising: a. a source device for generating the video stream of images; b. a transmitting device coupled to the source device to receive and store the video stream of images; and c. a receiving device coupled to the transmitting device to receive the video stream of images in a first format, display the video stream of images for a user to mark one or more sections of interest, transmit a request for an enhanced version of the sections of interest and receive from the transmitting device the sections of interest within the video stream of images in a second format, wherein the second format represents an enhanced version of the first format" and "a method of transmitting a video stream of images from a source to a receiving device for display and storage at the receiving device comprising the steps of: a. transmitting the video stream of images in a first format to the receiving device; b. displaying the video stream of images in the first format at the receiving device, allowing a user to mark sections of interest within the video stream of images; and c. transmitting the sections of interest to the receiving device in a second format, wherein the second format represents an enhanced version of the first format" with same limitations as

previously stated are rejected for the reasons given in the scope of claims 1-3, 6-14, 16-17, 19-21 as disclosed in details above.

Claim Rejections - 35 USC 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

4. Claims 4-5, 15, 18, 23, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ottensen et al., as of claim 1 above, in further view of Figuredo et al. (WO 99/59472).

Regarding claims 4-5, 15, 23 and 34-35, in further view of claims 1 and 13 above, Ottensen does not further disclose "the step of generating the video stream of images and transmitting the video stream of images to the source device" and "wherein the step of generating is performed by a medical test device which is one of the group of an ultrasound, sonogram and echo-cardiogram device"; however, Figuredo teaches an exact same technique of generating and transmitting video stream of images by a medical test device, a source device, from a group of an ultrasound, sonogram and echocardiogram device (see Figs, 1 & 2, and page 2, line 25 to page 3, line 17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ottensen's system with Figuredo s

teaching technique of using a medical test device as a generating source from the group of an ultrasound, sonogram and echocardiogram device in order to generate and transmit video stream of images over the network to other users. The motivation for doing this is to offer an enhanced video communication system that allows people in specialized knowledge in administering ultrasounds, sonograms, and echocardiograms have a necessary tool for communicating quickly and effectively over a remote network in obtaining correct and enhanced video stream of images for diagnosis in the medical field as desired (see Figuredo, page 2, line 8 to page 3, line 17).

As for claim 18, in view of claim 17, Ottensen does not disclose "wherein the network is an Internet Protocol network"; however, Figuredo teaches an exact same technique to utilize the Internet Protocol network within Figuredo's system for communicating among users in the network (Fig. 1, and page 10, line 17 to page 11, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ottensen's system with Figuredo's internet connection as means for utilizing the Internet as a preferred communication medium in transmitting/receiving information data including video streams of images as suggested by Figuredo.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zigmond et al (US Patent 6,571,392 B1) & Coli et al (US Patent 6,018,713) & Baker et al (US Patent 5,583,561) disclose systems related to medical tests and communications over the Internet with different enhanced formats.

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner s supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

KRISTA BUI
PATENT EXAMINER

Krista Bui
Art Unit 2611
December 19, 2003